

OPINION
55-26

May 6, 1955 (OPINION)

CITIES

RE: Liquor License Fees

Your letter of May 3, 1955, in regard to the above matter has been received.

Your specific question is whether under the terms of section 5-0303 of the 1953 Supplement to the North Dakota Revised Code of 1943 your city can charge up to two thousand dollars for exclusively off-sale or on-sale licenses or whether the statute contemplates the license shall include both off-sale and on-sale privileges.

Section 5-0303 provides that person engaging in the retail sale of liquor first must procure a local license. It further provides that the fee for such license shall not be less than two hundred dollars nor more than two thousand dollars. No mention is made of on or off sale and for that reason we believe that while the maximum license fee your city can charge for a retail liquor license is two thousand dollars, there is nothing to prevent your city from issuing only off-sale or on-sale licenses and charging the maximum fee for each. This does not mean that your city could sell to the same person an off-sale and as on-sale license to be used on the same premises and charge the maximum fee for each and thus defeat the purpose and intent of the law.

LESLIE R. BURGUM

Attorney General